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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,656	10/06/2005	Takehiro Miyaoka	389.44944X00	7125

7590 11/09/2010  
Antonelli Terry Stout & Kraus  
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EXAMINER
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CATTUNGAL, SANJAY

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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11/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,656	<b>Applicant(s)</b> MIYAOKA ET AL.	
	<b>Examiner</b> SANJAY CATTUNGAL	<b>Art Unit</b> 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/27/08 AND 07/09/2010</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4, 6-8, 11-16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 6,193,660 to Jackson et al.**

3. Regarding Claims 1 and 13, Jackson teaches an ultrasonograph system and method comprising: an ultrasonogram generating portion for generating an ultrasonogram based on a reflection echo signal obtained by radially scanning a specimen irradiated with an ultrasonic beam and a display area (abstract and fig. 2a-d); a monitor screen for displaying the generated ultrasonogram (fig. 1 element 30); a display-body image generating portion for generating an image of a display body superimposed on the ultrasonogram (fig. 2a-d); means for storing a first display position of the display body displayed on the monitor screen (fig. 1 element 36); an input portion for inputting the amount of movement of the display body from the first display position to a second display position (fig. 1 element 38); calculation means for determining the second display position of the display body based on the amount of movement input from the input portion and the display area (fig. 2a-d and fig. 1 element 26 and 32); and means for moving the display body from the first display position to the second display position determined by the calculation means (fig. 2 a-d).

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4. Regarding Claim 2 and 14, Jackson teaches that the calculation means contains a storage portion for storing the first display position of the display body through the position of an ultrasonic beam line and a depth on the ultrasonic beam line (fig. 1 element 26 and 32 and fig. 2a-d).

5. Regarding Claims 3 and 15, Jackson teaches that the calculation means decomposes the amount of movement input from the input portion into a component in the direction of the ultrasonic beam line of the ultrasonogram and a component orthogonal to the former component, the ultrasonic beam line of the second display portion is determined based on the component orthogonal to the former component, and the depth position on the ultrasonic beam line of the second display position is determined based on the component in the direction of the ultrasonic beam line (fig. 2a-d, fig. 1 element 26 and 36, and fig. 5).

6. Regarding Claims 4 and 16, Jackson teaches that the display body is a Doppler sample gate made up of a pair of line bodies opposite to each other, and the display-body image generating portion generates an image in which the pair of line bodies are displayed so as to be orthogonal to the ultrasonic beam line (fig. 2a-d).

7. Regarding Claims 6 and 18, Jackson teaches that the display body is a frame body for marking off an interest area (fig. 2a-d element 42).

8. Regarding Claims 7, 8, 11, 12, 19, and 20, Jackson teaches that the calculation means determines a second display position of the display body based on a coordinate transformation rule set in advance, and the coordinate transformation rule is separately set for a case where the central angle of a sectoral or circular portion of the

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ultrasonogram is a set value or less and for a case where the central angle of the sectoral or circular portion of the ultrasonogram is above the set value (abstract and fig. 2a-d element 42, 44, 48, and 50).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,193,660 to Jackson et al. in view of U. S. Patent No. 5,873,830 to Hossack et al.

11. Regarding Claims 5 and 17, Jackson teaches all of the above claimed limitations but does not expressly teach the use of color doppler imaging.

12. Hossack teaches the use of color Doppler imaging (col. 5 lines 65-67).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jackson such that color doppler is used as taught by Hossack, since such a setup is an obvious variant of doppler imaging, which is taught by Jackson.

### ***Allowable Subject Matter***

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14. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANJAY CATTUNGAL whose telephone number is (571)272-1306. The examiner can normally be reached on Monday-Friday 9-5.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SANJAY CATTUNGAL/

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